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METAIRIE, LOUISIANA 70005

ASHTON R. HARDY
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MARJORIE R. ESMAN

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
TELEPHONE: 504-830-4646
TELEFAX 504-830-4659
OUR FILE NO.

November 22, 1993

DOCKET FILE COPY ORIGINAL
02046.002

BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

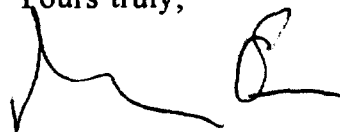
RE: Petition for Leave to Amend
In re Applications of Martha J. Huber, et al.
for Construction Permit for a New FM Station
on Channel 234 A in New Albany, Indiana
MM Docket No. 93-51

Dear Mr. Caton:

Enclosed please find the original and three (3) copies of a Petition for Leave to Amend for filing with the Commission in connection with the above-captioned matter.

If you should have any questions regarding this matter, kindly direct them to the undersigned.

Yours truly,



Marjorie R. Esman

MRE/mv
Enclosures

cc: Peter C. L. Boyce

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NOV 23 1993

Before The
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-51
)	
MARTHA J. HUBER, et al.,)	
)	
For Construction Permit for a)	
New FM Station on Channel 234A)	
in New Albany, Indiana)	

PETITION FOR LEAVE TO AMEND

Midamerica Electronics Service, Inc. ("Midamerica"), through counsel, petitions for Leave to Amend its application to substitute a new entity called New Albany Broadcasting Company, Inc., on the following grounds:

New Albany Broadcasting Company, Inc. is a new entity formed as a result of a merger of the applications of Martha J. Huber and Midamerica. Filed simultaneously with this Petition and the accompanying Amendment are settlement documents reflecting the terms of the merger and the proposed dismissal of the application of Rita Brent and of Staton Communications, Inc.

The Commission has repeatedly declared that settlements such as this are in the public interest because they will result in the provision of new broadcast service more quickly than would otherwise be possible. Accordingly, good cause exists for the acceptance of this Amendment, as it will allow for the effectuation of the Settlement

Agreement and therefore expedite new broadcast service to New Albany, Indiana. Because the settlement consists of a merger, the substitution of a new entity is necessary.

The Amendment includes the substitution of a new transmitter site. NABC has determined that its interests, and the community of New Albany, would be better served by the substitution of this new transmitter site. This new site became available only after the original applications were filed and presently has both a building for the transmitter and an existing tower. This will enable the applicant to construct the station more quickly and at lower cost than would otherwise be possible, and will alleviate any zoning problems which might otherwise exist if a new tower had to be built. Selection of the new site was a product of extensive settlement and merger negotiations, and because it facilitated the ultimate settlement, its approval is also in the public interest.

Accordingly, because acceptance of this Amendment will facilitate the settlement of this proceeding and result in the provision of new broadcast service to New Albany, Indiana, there is good cause and the Amendment should be accepted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradford D. Carey', is written over a horizontal line.

BRADFORD D. CAREY - #14947
MARJORIE R. ESMAN - #18198
HARDY & CAREY, L.L.P.
111 Veterans Memorial Boulevard
Suite 255
Metairie, Louisiana 70005
(504) 830-4646

CERTIFICATE OF SERVICE

I, Mary Vance, a secretary in the law firm of Hardy and Carey, hereby certify that I have served a copy of the above and foregoing document, this 22nd day of November, 1993, on the following:

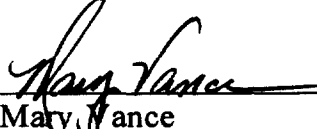
Honorable Richard Sippel*
Judge
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554

James Shook, Esq.*
Federal Communications Commission
Hearing Branch
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

Morton L. Berfield, Esq.
Cohen & Berfield
1129 20th Street, N.W.
Washington, D.C. 20036
Counsel for Martha J. Huber

Henry A. Solomon, Esq.
Haley, Bader & Potts
4350 N. Fairfax Drive, Suite 900
Arlington, VA 22203-1633
Counsel for Rita Reyna Brent

Donald J. Evans, Esq.
McFadden, Evans & Sill
1627 Eye Street, N.W., Suite 810
Washington, D.C. 20006
Counsel for Staton Communications, Inc.


Mary Vance

* By Hand
s:\2046.002\pleading\pl-amend

RECEIVED

NOV 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of

**MIDAMERICA ELECTRONICS
SERVICE, INC.**

For a Construction Permit
For a New FM Broadcast Station
on Channel 234A
at New Albany, Indiana

FCC File No:

BPH-911115ML

To: The Honorable Richard Sippel, Administrative Law Judge

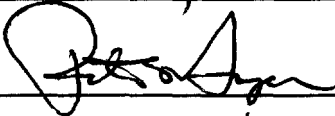
AMENDMENT TO PENDING APPLICATION

The above captioned application of Midamerica Electronics Service, Inc. ("Midamerica") is hereby amended to substitute as the applicant a new corporation, NEW ALBANY BROADCASTING CO., INC. ("NABC"). The Legal and Financial Qualifications of the entity to be substituted for Midamerica are attached.

The application is also amended hereby to specify a new transmitter site as a result of the settlement negotiation procedure and to delete the previously stated Integration Proposal of Midamerica.

This Amendment is contingent on the approval of the settlement package whereby NABC is to obtain the New Albany Permit.

I hereby certify that the statements made in this amendment are true and accurate to the best of my knowledge and belief and are made in good faith. I further certify that neither the applicant nor, in the case of a non-individual applicant, any party to the application, is subject to a denial of federal benefits that includes F.C.C. benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Name of Applicant: New Albany Broadcasting Co. Inc.
Signed By: 
Title: Secretary/President
Date: 11/18/93

s:\2046.002\nabc.amd

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATIONFOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

NEW ALBANY BROADCASTING CO., INC.

MAILING ADDRESS (Line 1) (Maximum 85 characters)

410 Mt. Tabor Road

MAILING ADDRESS (Line 2) (If required) (Maximum 85 characters)

CITY

New Albany

STATE OR COUNTRY (If foreign address)

Indiana

ZIP CODE

47150

TELEPHONE NUMBER (Include area code)

812-945-1209

CALL LETTERS

OTHER FCC IDENTIFIER (IF APPLICABLE)

BPH911115ML

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☐

Yes

☐

No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 8.

☐

Governmental Entity

☐

Noncommercial educational licensee

This is an Amendment Only

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)										
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$ <table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
0	0	0	1									

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)										
			FOR FCC USE ONLY									
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$ <table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
0	0	0	1									

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION

\$

FOR FCC USE ONLY

3. This application is for: (check one box)

☐

AM

☒

FM

☐

TV

(b) Channel No. or Frequency

234A (94.7mHz)(b) Principal
Community

City

New Albany

State

IN

FCC 301

August 1982

Section I - GENERAL INFORMATION (Page 2)

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☐ MAJOR change in licensed facilities; call sign: _____
- ☐ MINOR change in licensed facilities; call sign: _____
- ☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

- ☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☒ AMENDMENT to pending application; Application file number: **BPH-911115ML**

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

NEW ALBANY BROADCASTING CO., INC.

1. Applicant is: (check one box below)

☐ Individual

☐ General partnership

☒ For-profit corporation

☐ Other

☐ Limited partnership

☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (eg. a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date August 30, 1993 Place Indianapolis, Indiana

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☒ Yes ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.
L-2

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☐ No
DNA

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-31), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No
DNA

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.	NEW ALBANY BROADCASTING CO., INC. 410 Mt. Tabor Road New Albany, IN 47150	Martha Judith Huber 1927 Plum Hill Way Floyds Knobs, IN 47119	Peter C.L. Boyce 410 Mt. Tabor Road New Albany, IN 47150
b.	Corporation organized under the laws of the state of Indiana	U.S.A.	U.S.A.
c.	(Applicant)	President Director	Secretary-Treasurer Director
d.	1,000 shares authorized	100 SHARES	100 SHARES
e.	1 vote per share issued	100 VOTES	100 VOTES
f.	(DNA)	50 %	50 %
g.			
h.			

Section 11 - LEGAL QUALIFICATIONS (Page 3)

RADIO APPLICANTS ONLY NEED TO RESPOND TO QUESTIONS 7, 8 AND 9.

7. Does the applicant, or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) a daily newspaper in the same market(s) as the station(s) being proposed?

☐ Yes ☒ No

8. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market."

☐ Yes ☒ No

If the answer to 7 or 8 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable.

Exhibit No.

9. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mv/m contour for FM) of any AM or FM station being proposed overlap the principal community service contour of:

(a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or

☐ Yes ☒ No

(b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application?

☐ Yes ☒ No

If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought?

☐ Yes ☐ No

DNA

If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance.

Exhibit No.

Note: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

Section II - LEGAL QUALIFICATIONS (Page 4)

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

☐ Yes ☒ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
L-1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
DNA

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
DNA

OTHER MASS MEDIA INTERESTS

14. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction C to Section II.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e. husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 73.501(a))? Neither party has any interest in any other broadcast station or other media. As is of record in this proceeding, Mr. Boyce is the sole shareholder of Midamerica Electronics Service Co., an entity which provides consulting engineering services to broadcasters in a wide area.

☐ Yes ☐ No
(SEE ASIDE)

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

15. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

16. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

DNA

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 197,000

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
New Albany Broadcasting Co., Inc.	812-945-1209	Applicant	\$ 2,000
Martha J. Huber	812-948-2015	Shareholder & President	\$100,000
Peter C.L. Boyce	812-945-1209	Shareholder & Secretary - Treasurer	\$100,000

Section V-B - FM BROADCAST ENGINEERING DATA
FOR COMMISSION USE ONLY

File No. _____
 ASB Referral Date _____
 Referred by _____

Name of Applicant

NEW ALBANY BROADCASTING CO., INC.

Call letters (if issued)

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate box(es))

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
234A	New Albany	Floyd	IN

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2 Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 7.8 km (4.8 miles) west of New Albany and southeast of the intersection of State Route 62 and Interstate Route 64 in Floyd County, Indiana

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	38°	17'	02"	Longitude	85°	54'	17"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. _____

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	0	'	"	Longitude	0	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction? See Exhibit E - "FAA Data"

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Existing Tower

Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) NONE WITHIN 8 KM		
(b)		

7. (a) Elevation: (to the nearest meter)

(non-rounded)

(1) of site above mean sea level; (274.9) 275 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and (27.4) 27 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] (302.4) 302 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground (20.7) 21 meters (H)

(20.7) 21 meters (V)

(2) above mean sea level [(a)(1) + (b)(1)] (295.6) 296 meters (H)

(295.6) 296 meters (V)

(3) above average terrain 100 meters (H)

Conversion from English to metric units can produce rounding differences.

100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-1

9. Effective Radiated Power:

(a) ERP in the horizontal plane 3.0 kw (H*) 3.0 kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

_____ kw (H*) _____ kw (V*)

*Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 78.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 78.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 78.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 78.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 78.218 apply?

☒ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
E

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 78.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.
E

15. Attach as an Exhibit a 75 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-2

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-3

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 8.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 1797 sq. km. Population 745,890

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 75 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
*			
0	45	9.2	16.2
45	108	14.0	25.1
90	165	17.7	30.2
135	159	17.3	29.6
180	143	16.2	28.2
225	53	10.0	17.8
270	66	11.1	19.8
315	61	10.7	19.1

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

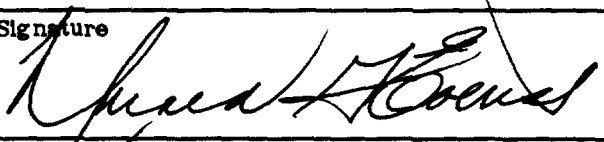
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.

If No, explain briefly why not. Refer to Exhibit E

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Donald G. Everist	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) Cohen, Dippell and Everist, P.C. 1300 L Street, N.W. Suite 1100 Washington, DC 20005
Date November 18, 1993	Telephone No. (Include Area Code) (202) 898-0111

**ENGINEERING REPORT RE
AMENDMENT OF
APPLICATION FOR A
NEW STATION IN NEW ALBANY, INDIANA
CHANNEL 234A (94.7 MHZ) 3.0 KW (H&V) 100 METERS**

NOVEMBER 1993

**COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.**

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

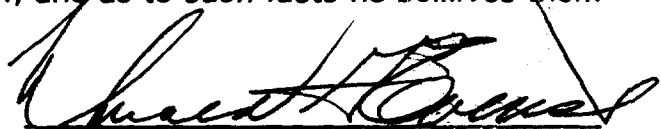
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

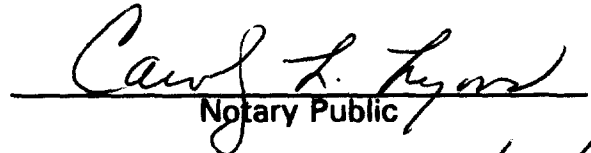
That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 18th day of November, 1993.


Notary Public

My Commission Expires: 2/28/98

Introduction

This engineering report has been prepared on behalf of New Albany Broadcasting Co., Inc. ("New Albany") in support of its amendment to its application to construct a new Class A FM broadcast station at New Albany, Indiana. The FM operation is proposed on Channel 234A (94.7 MHz) with an effective radiated power (ERP) of 3.0 kW (H&V) and 100 meters antenna height above average terrain (HAAT).

Exhibits requested by Section V-B of FCC Form 301 are included in this engineering report.

Transmitter Site

The proposed antenna will be located in Floyd County, Indiana, approximately 7.8 km (4.8 miles) west of New Albany, southeast of the intersection of State Route 62 and Interstate Route 64. The NAD-27 geographic coordinates of the proposed site are as follows:

North Latitude: 38° 17' 02"

West Longitude: 85° 54' 17"

Equipment Data

Transmitter: Type approved

Antenna: Harris Corporation FML-3E, three sections, circularly polarized

Power Data

Power input to antenna: 1.925 kW

Antenna power gain (H&V): 1.5588

Effective radiated power (H&V): 3.00 kW

Elevation Data

(a) Elevation:

(1) of site above mean sea level	274.9 meters
(2) of the top of supporting structure above ground ¹	27.4 meters
(3) of the top of supporting structure above mean sea level	302.4 meters

(b) Height of antenna radiation center (H&V)

(1) above ground (AGL)	20.7 meters
(2) above mean sea level (AMSL)	295.6 meters
(3) above average terrain	100.0 meters

Allocation Situation

The attached Table I shows the distances to the pertinent co-channel and adjacent channel stations from the proposed FM operation. Since the petition to make the Allotment of Channel 234A to New Albany was made prior to October 2, 1989, its mileage requirements are subject to grandfathered provisions of Section 73.207 of the FCC Rules. Analysis of licenses, applications, construction permits, and other allotments indicates that the separation distances in the table in Section 73.213(c) may be applied to Channel 233C1, WLAP-FM, Lexington, Kentucky.

¹including the lightning rod and 10 foot pole

The proposed operation complies with all other pertinent co-channel and adjacent channel minimum separation requirements listed under Section 73.207 of the FCC Rules to all other stations. The distances were computed using the FCC listed geographic coordinates.

Topographic Data

The terrain data between 3 to 16 kilometers for the standard eight radials along each 45 degrees of azimuth starting with True North were obtained from the NGDC 30-second data base.

Contour Data

The distances along the standard eight radials to the limits of the 3.16 mV/m (70 dBu) and the 1.0 mV/m (60 dBu) contours were determined from reference to the Figure 1, Section 73.333 of the rules and are shown on the attached Table II. The 3.16 mV/m and the 1.0 mV/m contours are shown on the map in Exhibit E-3.

Population and Area Data

The population within the 1.0 mV/m (60 dBu) contour was determined by employing a computer program using the 1990 Census data. The computer program overlaid the 1.0 mV/m (60 dBu) contour over the land area in Indiana and Kentucky and determined the population within the contour by using the centroids for pertinent census blocks. The area of the contour was measured with a polar planimeter using the original map.

FAA Data

The FAA has not been notified of the proposed construction since it is proposed to side-mount on an existing tower.

Main Studio Location

The main studio will be located in New Albany, Indiana, within the predicted 3.16 mV/m field strength contour.

Other Radio Stations

This is in response to Paragraph 14 of FCC Form 301.

There are no FM or TV broadcast stations located within 200 meters of the proposed site.

There are two FM stations and five pending applications for a new operation on Channel 226A located within 10 km of the proposed site. The two FM stations are WNAS, Channel 201A, New Albany, Indiana and WUOL, Channel 213B, Louisville, Kentucky and the pending applications proposed on Channel 226A at Clarksville Indiana. A new operation on Channel 226A and the proposed operation have the potential for producing intermodulation products on Channels 218 and 242. WUOL and the proposed operation have the potential for producing intermodulation products on Channel 255. WNAS and the proposed operation have the potential for producing intermodulation products on Channel 267.